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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasushige AKADA et al.

Group Art Unit: 1625

Application No.: 10/536,459

Examiner: T. SOLOLA

Filed: May 25, 2005

Docket No.: 124055

For: AGENT FOR TREATING RESPIRATORY DISEASES CONTAINING
4-HYDROXYPYPERIDINE DERIVATIVE AS ACTIVE INGREDIENT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

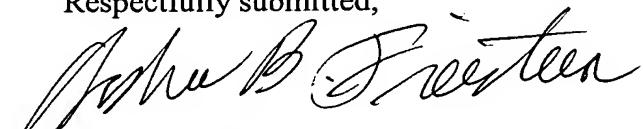
In reply to the August 8, 2008 Restriction Requirement, Applicants provisionally elect Group I, claims 14-26 (i.e., where Y is alkylene and Z is a bond), with traverse.

Applicants respectfully traverse the Restriction Requirement. Restriction under PCT Rule 13.1 is improper when all of the claims are so linked as to form a general inventive concept (unity of invention). Under PCT Rule 13.2, unity of invention exists where all of the claims share a special technical feature. The special technical feature common to groups I-V, claims 14-29, is a compound represented by Formula III. Thus, the Restriction Requirement is improper because claims 14-29 are so linked to form a general inventive concept. Thus, Applicants respectfully request the withdrawal of the Restriction Requirement and the rejoinder of claims 27-29.

It is also respectfully submitted that the subject matter of all claims 14-26 are sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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JAO:ABF/ejw

Date: July 23, 2008

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